

Serial No. 09/504,343
 Attorney Docket No. 65678-0011

Amatt 9/a
Lawman
6/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: PARENT ET AL.

Serial No.: 09/504,343

Group Art Unit: 3621

Filed: 02/14/2000

Examiner: HEWITT II, Calvin L.

For: SYSTEM AND METHOD FOR VIRTUAL RENTAL FLEET

Attorney Docket No.: 65678-0011

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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____ first class mail, postage prepaid in an envelope addressed to the Commissioner for Patents, Washington, DC 20231	
Date: June 26, 2003	<u>Leslie Wang</u> Signature <u>Leslie Wang</u> Name

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

The Applicants respectfully provide the following response to the Office Action dated March 26, 2003 ("Office Action").

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GROUP 3600

Serial No. 09/504,343
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INTRODUCTORY COMMENTS

As a preliminary matter, the Applicants thank the Examiner for providing the Office Action dated March 26, 2003 (the "Office Action") and the search results contained therein. In the Office Action: (1) claims 16, 17, 19, and 20 were rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter; (2) claims 1-7 and 10-21 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,014,644 ("Erickson") in view of U.S. Patent No. 5,744,873 ("Berent"); and (3) claims 8-9 were rejected under 35 U.S.C. 103(a) as being obvious over Erickson in view of Berent, and further in view of U.S. Patent No. 6,161,099 ("Harrington").

Applicants believe that claims 1-21 are in condition for allowance, and respectfully traverse Examiner's rejections. With regards to the Section 101 rejections, the Office Action fails to provide any specific statutory or constitutional basis for the assertion that "users" or a subset of possible types of "users" (such as "dealers") are precluded as potential claim elements. The inclusion of a human actor in a claim is not the same thing as claiming ownership of a human being.

With regards to the Section 103 rejections, the cited references do not disclose each and every element of the claimed invention. Moreover, the cited references do not affirmatively suggest their combination. To the contrary, the cited references teach away from each other and any combination resembling Applicants' claims.

Applicants amend claim 1 for the sole purpose of correcting a typographical error. No amendments have been made for the purposes of patentability.

RADER,**FISHMAN****& GRAUER**

PLLC

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To: Examiner Calvin Hewitt

From: Christopher J. Falkowski /lmw

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Phone:

Date: June 26, 2003

Re: 09/504,343

cc:

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S.N. 09/504,343, filed 2/14/00
 Examiner Calvin Hewitt / Group Unit 3621
 Attorney Docket: 65678-0011

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